IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 900 OF 2006

IN

STAMP NUMBER MAIN NO. 3365 OF 2006

SPECIAL LAND ACQUISITION OFFICER (SOUTH GOA) AND ANR ....Applicants

Versus

SMT. MARIQUINHA VAZ (DEC.) THROUGH LEGAL REP., VINCENTE F. ROSARIO SALVACAO MENEZES ....Respondent

Mr. Emerico Afonso, Advocate for the applicants.

Coram:- S.A.BOBDE, J.

Date:- 8th March, 2007

P.C.

This is an application for condonation of delay of about 10 months and 27 days in filing the appeal against the Judgment and Award dated 20th October, 2005 in Land Acquisition Case No.400/95. The applicants have putforth an unique reason. According to them, earlier First Appeal No.77/02 was decided by this Court on the ground that the award was not sustainable since it had been passed in favour of a dead person. Even though the said appeal was disposed of, the appellants misunderstood that the appeal is still pending. Thereafter, reference was decided again. The appellants thought that the earlier appeal revived since it had already been filed and pending against the same award. However unreasonable understanding may be, it seems that it is plausible.

In the circumstances, it would be appropriate to condone the delay in filing the first appeal. The delay is, hereby, condoned.

S.A.BOBDE, J.

ssm.